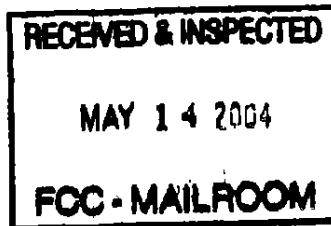


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Express Mail ER789764200US

**Appeal, and request for Expedited Relief, to the Federal
Communications Commission on behalf of Upshur County
School District**

May 12, 2004

97-21

Secretary
Office of the Secretary
Federal Communications Commission
445 -12th Street, S.W., Rm TW-204B
Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.
Please time stamp the extra copy and return it to me in the enclosed self addressed-
stamped envelope.

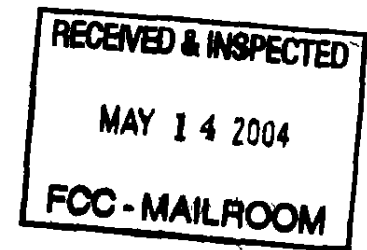
A handwritten signature in cursive script, appearing to read "Nath Hawthorne".

Nathaniel Hawthorne
Attorney for Upshur County School District

No. of Copies rec'd
List ABCDE

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Express Mail ER 789764200 US



Before the
Federal Communications Commission
Washington, D.C. 20554

| | | |
|--------------------------------------|---|-----------------------|
| In the Matter of the |) | File No. SLD - |
| |) | |
| Appeal of the Decision of the |) | |
| |) | |
| Universal Service Administrator by |) | |
| the |) | |
| |) | |
| Upshur County School District |) | |
| |) | |
| |) | |
| |) | CC Docket No. 96 - 45 |
| Federal-State Joint Board on |) | |
| Universal Service |) | |
| Changes to the Board of Directors of |) | |
| The National Exchange Carrier |) | |
| Association, Inc. |) | CC Docket No. 97 - 21 |

Appeal
and
Request for Expedited Relief
on behalf of the
Upshur County School District

May 12, 2004

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A325
Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

(1) **Funding Commitment Decision Letter Appealed**

| | |
|--------------------------------|-----------------------|
| Form 471 Application Number: | 353074 |
| Funding Year 2003: | 07/01/2003-06/30/2004 |
| Billed Entity Number: | 126740 |
| Date of Funding Denial Notice: | April 13, 2004 |
| Date of Appeal: | May 12, 2004 |

(2) **SLD Contact Information**

Cathy Crytzer
27600 Chagrin Blvd., Ste 260
Cleveland, OH 44122
Tel. (216) 682.0169

(3) **Funding Request Numbers Appealed**

FRNs -968012, 968027, 968031

(4) **SLD's Reason for Funding the Denials**

For both FRNs, the SLD stated that funding is denied because:

"No contract or legally binding agreement was in place when the Form 471 was filed."

(5) As stated in Exhibit A, the FRNs are for month-to month services.

Accordingly, no contract is required.

Conclusion:

Upshur is Requesting the Following Action by the FCC:

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRNs -968012, 968027, 968031**
- (b) Set aside funds to totally fund Upshur's request.**

Respectfully submitted,



Nathaniel Hawthorne

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tel.: 216/514.4798
e-mail: nhawthorne@earthlink.net

Attorney for
Upshur County School District

Cc: Upshur County School District

EXHIBIT A

FAX COVER

To: Tom Celentano

FAX: 1-973-599-6506

From: Cathy Crytzer

Date: 1-6-2004

Pages 1 -Including Cover

RE: Upshur County SD, CASE SR-2003-BEN 126740

SLD REQUEST – Please provide signed and dated copies of all contracts relating to FRN(s) 968012, 968027, 968031 and 950498.

RESPONSE - FRN(s) 968012, 968027, 968031 and 950498 are month-to-month services, not contractual as stated in the selective review.

Email: ccrytzer@ameritech.net

Tel: 216.682.0169 Fax: 216.514.3337

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| <u>Upshur County School District</u> | | | | | | | | |
|--|---------------|--|-------------------|-------------|---|---|---|----------------|
| <u>SLD E-Rate Selective Review Information Request</u> | | | | | | | | |
| <u>Application Number 337497 & 353074</u> | | | | | | | | |
| PART 1 | | | | | | | | |
| Question 1 - RFP | | Question 3 - Vendor Selection | | | | | | |
| Question 2 - Bid Responses | | Question 4 - Contracts and Other Agreements | | | | | | |
| | | Month to Month | | | | | | |
| | | Tariff | | | | | | SLD Ref |
| FRN | VENDOR | Contract | 470 Appl # | RFP | Bid Response | Vendor Selection | Case # | |
| 950189 | Verizon-WV | Tariff | 902560000416837 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | The local Service provider, and bought off State Master Contract for tariff services | SR-2002-BEN#126796 and SR-2002-BEN#27099 | |
| 950205 | AT&T | Tariff | 902560000416837 | None | None | Available long distance provider | | |
| 950213 | Verizon-WV | Tariff | 902560000416837 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | The local Service provider, and bought off State Master Contract for tariff services | SR-2002-BEN#126765 and SR-2002-BEN#126796 | |
| 950218 | ACC Of WV | Month to Month | 902560000416837 | None | None | This FRN covers month to month services, there were no bids received. The school district used the available vendor in their area able to provide service | | |

| | | | | | | | |
|--------|---|----------------|-----------------|-------------|---|--|--|
| 950484 | Verizon Netwrk Int. | Contract | 902560000416837 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provider under the State Master Contract | SR-2002-BEN#126796 and SR-2002-BEN#27099 |
| 950498 | North Central Regional Education Service Agency | Month to Month | 902560000416837 | None | None | RESA 7 is the West VA Dept of Education agency that provides overall technical support to the District | |
| 968012 | North Central Regional Education Service Agency | Month to Month | 902560000416837 | None | None | RESA 7 is the West VA Dept of Education agency that provides overall technical support to the District | |
| 968027 | Expanets of Indiana | Month to Month | 902560000416837 | None | None | This FRN covers month to month services, there were no bids received The school district used the available vendor in their area able to provide service | |

| | | | | | | | |
|--------|------------------|----------------|-----------------|-------------|---|---|--|
| 968031 | Avaya, Inc | Month to Month | 902560000416837 | None | None | This FRN covers month to month services, there were no bids received. The school district used the available vendor in their area able to provide service | |
| 968067 | Pomeroy Computer | Contract | 517400000409564 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provider under the State Master Contract | SR-2002-BEN#126765. Documentation sent to Gaurangi Shah, SLD, January 22, 2003 |
| 968078 | Pomeroy Computer | Contract | 517400000409564 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provider under the State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |

| | | | | | | | |
|--------|------------------|----------|-----------------|-------------|---|--|--|
| 968109 | Pomeroy Computer | Contract | 517400000409564 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provider under the State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |
| 968118 | Pomeroy Computer | Contract | 517400000409564 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |
| 968158 | Pomeroy Computer | Contract | 517400000409564 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |

| | | | | | | | |
|--------|------------------|----------|-----------------|-------------|---|--------------------------------------|--|
| 968164 | Pomeroy Computer | Contract | 517400000409564 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |
| 968168 | IBM Corporation | Contract | 951780000268795 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |
| 968185 | IBM Corporation | Contract | 951780000268795 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |

| | | | | | | | |
|---|--------------------------|----------|-----------------|-------------|---|--------------------------------------|--|
| 968356 | IBM Corporation | Contract | 951780000268795 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |
| 968393 | IBM Corporation | Contract | 951780000268795 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |
| 968407 | IBM Corporation | Contract | 951780000268795 | State of WV | The State of WV and the WV Depart. Of Education did all RFPs and bids to establish master contracts | Provided under State Master Contract | SR-2002-BEN#126765 and SR-2002-BEN#27099. Documentation sent to Gaurangi Shah, SLD on January 24, 2003 |
| Question 5 - Consulting Agreements | | | | | | | |
| | See attachment Alpha-001 | | | | | | |
| Question 6 - Correspondence | | | | | | | |
| | None | | | | | | |